REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-38 are pending.

In the outstanding Office Action, the specification was objected to because of an informality; claims 1-6, 8, 9, 11-19, 21, 22, 24-29, 31, 32, and 34-38 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Bahlmann (U.S. Patent No. 6,487,594, hereinafter Bahlmann); and claims 7, 10, 20, 23, 30, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahlmann, in view of 'Official Notice.' For reasons discussed below, these rejections are respectfully traversed.

In response, the specification has been amended to correct the informality. No new matter has been added.

The present invention relates to a method, system, and computer program product where "an end-user of one of multiple customers (e.g., Internet service providers (ISPs)) may self-authenticate when connecting to a high-speed network dedicated to broadband data transport services." Specification, p. 6, lines 3-4 (emphasis added). The system includes a "digital repository" with "information regarding the service providers, the end-users and provisioning information for the end-users." Specification, p. 6, lines 9-11.

Bahlmann is directed to a policy management method and system for use by a single Internet service provider. Bahlmann discusses regional policy databases and a central policy database operable with regional policy databases to allow that single ISP to manage and inter-relate the components of their regional operations as well as the differences between the regional operations. Bahlmann only refers to providing such a method and system for a single ISP.

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Bahlmann does not teach a self-authentication mechanism for end-users of many data service providers when accessing a common high speed network, as required by the pending claims. Independent claim 1 requires a "digital repository" with "service provider entries including information about the <u>first service provider</u> and information about <u>second service provider</u>" and "end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with <u>at least one service provider entry</u>." Claim 1, p. 43, lines 5-10 (emphasis added). Further, independent claim 1 requires that a processor implement the ability for end-users of different data service providers to self-authenticate to gain access to a common high-speed network that is shared by multiple service providers, associate each end-user with the respective data service provider, and determine the appropriate level of service for each end-user.

Applicants respectfully traverse the assertions made at p. 4 of the Office Action dated May 27, 2004 that <u>Bahlmann</u> teaches a bandwidth allocation mechanism configured to allocate limited bandwidth to an end-user, an end-user authentication mechanism configured to obtain identification information from an end-user, a service determination mechanism configured to determine the level of service purchased by the end-user, and a service allocation mechanism configured to provide that level of service to the end-user, all of which are required by independent claim 1. The cited passages of <u>Bahlmann</u> merely describe a policy management system through which a single service provider can manage its products. It is respectfully submitted that the cited passages of <u>Bahlmann</u> do not teach a system through which an end-user of one of several service providers may authenticate itself as required by independent claim 1.

Independent claims 15, 24, 25, and 38 each specifically require at least a first and second data service provider, distinguishing them from <u>Bahlmann</u>. Furthermore, independent

claims 15, 24, 25, and 38 each require the ability for an end-user of one of multiple service providers to authenticate itself as discussed above in the context of independent claim 1, further distinguishing these claims from <u>Bahlmann</u>. Claims 15 and 24 are directed to a method and system, respectively, for self-authenticating a first and second end-user connected to a common network shared by multiple service providers, including a "digital repository" with "service provider entries including information about the first service provider and other information about second service provider," "end-user entries," and "each of the end-user entries being associated with at least one service provider entry." Claim 15, p. 46, lines 5-10, and Claim 24, p. 48, lines 5-10. Claim 25 is directed to a computer program product including a computer program code mechanism for causing a processor to self-authenticate first and second end-users connected to a common network shared by multiple service providers with "the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers." Claim 25, p. 49, lines 3-8. Claim 38 is directed to a method for self-authenticating first and second end-users connected to a common network shared by multiple service providers including authenticating first and second end-users and "determining a level of service purchased from a respective one of the first service provider and the second service provider by the one of the first end-user and the second end-user identified in the authenticating step." Claim 38, p. 52, lines 9-11.

Thus, it is respectfully submitted that independent claims 1, 15, 24, 25, and 38 patentably define over <u>Bahlmann</u>. Because claims 2-14 depend from claim 1, claims 16-23 depend from claim 15, and claims 26-37 depend from claim 25, it is respectfully submitted that these dependant claims also patenably define over <u>Bahlmann</u>.

Claims 7, 10, 20, 23, 30 and 33 stand rejected under 35 U.S.C. § 103(a) as being obvious over <u>Bahlmann</u> in view of 'Official Notice.' Applicants respectfully traverse this rejection. The Examiner has taken 'Official Notice' that the concepts and advantages of "a hybrid fiber co-axial network for transportation purposes"[1] and "providing for a European Data Over Cable Service Interface Specification network [sic, for] transportation purposes in another country"[2] is well-known and expected in the art, but no references were cited to support these assertions.

Applicants respectfully submit that Official Notice may only be taken in "certain circumstances," when the notice of facts are "capable of such instant and unquestionable demonstration as to defy dispute." MPEP § 2144.03(a) (citing <u>In re Ahlert</u>, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (citations omitted)). Furthermore, when Official Notice is taken, "the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." MPEP § 2144.03(B). In the present case, Applicants respectfully submit that the Examiner has not explicitly set forth reasoning to qualify as common knowledge. The Official Notice taken is not capable of such instant and unquestionable demonstration as to defy dispute. Accordingly, it is respectfully requested that references be cited in support of the assertions.

Additionally, Applicants respectfully submit that the Official Notice does not teach what is also lacking in <u>Bahlmann,</u> namely, providing a system, method, and computer program product that allow end-users of <u>multiple data service providers</u> to self-authenticate to access a common high-speed network shared by the multiple data service providers, associate the end-user with the respective data service provider, and determine the appropriate level of

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[1] Office Action dated May 27, 2004, pp. 6-7.
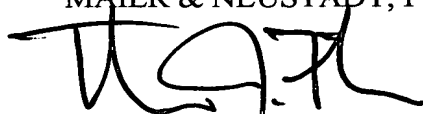[2] <u>Id</u>. at p. 7.

service for the end-user. Therefore, no matter how <u>Bahlmann</u> is combined with the Official

Notice taken, the combination fails to teach or suggest the presently claimed invention. Thus,

it is respectfully submitted that claims 7, 10, 20, 23, 30, and 33 are patentable over <u>Bahlmann</u>

in view of the Official Notice taken in the outstanding Office Action.

Consequently, in view of the present amendment, and in light of the above comments,

Applicants respectfully submit that the invention defined by claims 1-38 is patentably

distinguished from the prior art. An early and favorable reconsideration of this application is

therefore respectfully requested.

Respectfully submitted,

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